



SAN FRANCISCO
BAYKEEPER.

October 25, 2015

*VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED*

Eco Box Recycling, Inc.
Attn: Victor Freitas, President
PO Box 610218
San Jose, CA 95161

Eco Box Recycling, Inc.
c/o Randy Meyenberg
333 Salinas St.
Salinas, CA 93901

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Mr. Freitas and Mr. Meyenberg:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against Eco Box Recycling, Inc. ("Eco Box") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at Eco Box's facility, located at 1255 Yard Court, San Jose, California (the "Facility").

Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in Oakland, California. Baykeeper's purpose is to protect and enhance the water quality and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of its ecosystems and communities. Baykeeper has over three thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by Eco Box's operations.

This letter addresses Eco Box's unlawful discharge of pollutants from the Facility via stormwater into San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the General Industrial Stormwater Permit issued by the State of California (NPDES General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("1997 Permit") and by Order No. 2014-0057-DWQ ("2015 Permit") (collectively, the "Industrial Stormwater Permit").¹

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil

¹ On April 1, 2014, the State Water Resources Control Board adopted the 2015 Permit. As of July 1, 2015, the 2015 Permit superseded the 1997 Permit except for the purpose of enforcing violations of the 1997 Permit. 2015 Permit, Section I.A. (Finding 6).



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action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Eco Box of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against Eco Box under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is willing to discuss effective remedies for the violations noticed in this letter. We suggest that Eco Box contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

Eco Box's Facility is located at 1255 Yard Court in San Jose, California. At the Facility, Eco Box receives and sorts waste for reuse, recycling, and landfill. Potential pollutants from the Facility include total suspended solids ("TSS"), oil and grease, heavy metals, trash and debris, and hazardous materials. Stormwater from the Facility discharges indirectly to Coyote Creek, which flows to San Francisco Bay.

B. The Affected Waters

Coyote Creek is a water of the United States. It is the predominant drainage in the eastern portions of San Jose and is an important ecological resource in the Santa Clara Valley. Historically, Coyote Creek supported numerous fish populations, including steelhead, Coho salmon, and Chinook salmon. Steelhead and Chinook salmon still use Coyote Creek for spawning and early development life stages. Coyote Creek is also important habitat for numerous aquatic and riparian plants and animals in the region.

San Francisco Bay is a water of the United States. The Bay is an ecologically-sensitive waterbody and a defining feature of Northern California. San Francisco Bay is an important and heavily-used resource, with special aesthetic and recreational significance for people living in the surrounding communities. However, the Bay's water quality is impaired and continues to decline. The Bay's once-abundant and varied fisheries have been drastically diminished by pollution, and much of the wildlife habitat of the Bay has been degraded.

The CWA requires that water bodies such as San Francisco Bay meet water quality objectives that protect specific "beneficial uses." The beneficial uses of San Francisco Bay and its tributaries include commercial and sport fishing, estuarine habitat,

fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the San Francisco Bay watershed and threatens the beneficial uses and ecosystem of this watershed, which includes habitat for threatened and endangered species.

II. THE FACILITY'S VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as San Francisco Bay and its tributaries, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

On July 25, 2013, Baykeeper sent a letter to Eco Box notifying the company that it had failed to obtain coverage under the Industrial Stormwater Permit and was operating the Facility in violation of the Clean Water Act. On September 25, 2013, Eco Box submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the 1997 Permit. On February 25, 2015, Eco Box submitted an NOI to be authorized to discharge stormwater from the Facility under the 2015 Permit. Information available to Baykeeper indicates that stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit and the CWA. Apart from discharges that comply with the Industrial Stormwater Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants.³ 1997 Permit, Order Part B.3.; 2015 Permit, Section X.H. EPA has published Benchmark values set at the maximum pollutant concentration levels present if an industrial facility is employing BAT and BCT, as listed in Attachment 1 to this letter.⁴ The 2015 Permit incorporates these Benchmark values as "Numeric Action Levels." 2015 Permit, Section I.M. (Finding 62).

² BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

³ BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.

⁴ The Benchmark values are part of EPA's Multi-Sector General Permit ("MSGP") and can be found at: <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>. The most recent sector-specific Benchmarks can be found at:

Eco Box's self-reported exceedances of Benchmark values since it filed the original NOI, identified in Attachment 2 to this letter, indicate that Eco Box has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit. Baykeeper alleges and notifies Eco Box that its stormwater discharges from the Facility have contained and continue to contain levels of pollutants that exceed Benchmark values for TSS, copper, lead, and zinc.

Eco Box's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT- and BCT-based levels of control also demonstrate that Eco Box has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, installing filters in downspouts and storm drains, and other similar measures.

Eco Box's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial Stormwater Permit each and every day Eco Box discharges stormwater without meeting BAT/BCT. Baykeeper alleges that Eco Box has discharged stormwater containing excessive levels of pollutants from the Facility to San Francisco Bay during at least every significant local rain event over 0.1 inches since it submitted its original NOI on September 25, 2013.⁵ Attachment 3 compiles all dates when a significant rain event occurred at the Facility. Eco Box is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA since it submitted its NOI.

B. Discharges Impairing Receiving Waters

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* 1997 Permit, Order Part A.2.; 2015 Permit, Sections III.C., VI.C. The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. 1997 Permit, Order Part C.1.; 2015 Permit, Section VI.B. Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS"). 1997 Permit, Order Part C.2.; 2015 Permit, Section VI.A. Applicable WQS are set forth in the California Toxics Rule ("CTR")⁶ and Chapter

http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2015_part8.pdf ("2015 MSGP"). SIC Code 5093 is covered under Sector N in the 2015 MSGP.

⁵ Significant local rain events are reflected in the rain gauge data available at: <http://www.ncdc.noaa.gov/cdo-web/search>.

⁶ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").⁷ See Attachment 1. Exceedances of WQS are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes WQS for San Francisco Bay and its tributaries, including but not limited to the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.
- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.
- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.
- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. The Basin Plan, Table 3-3, identifies specific marine water quality objectives for toxic pollutants.⁸

Baykeeper alleges that Eco Box's stormwater discharges have caused or contributed to exceedances of the Receiving Water Limitations in the Industrial Stormwater Permit and the WQS set forth in the Basin Plan and CTR. These allegations are based on Eco Box's self-reported data submitted to the San Francisco Bay Regional Water Quality Control Board. The sampling results indicate that Eco Box's discharges are causing or threatening to cause pollution, contamination, and/or nuisance; adversely impact human health or the environment; and violate applicable WQS. For example, Eco Box's sampling results indicate exceedances of numeric WQS for copper, zinc, and lead. See Attachment 2.

Baykeeper alleges that each day that Eco Box has discharged stormwater from the Facility, Eco Box's stormwater has contained levels of pollutants that exceeded one or more of the Receiving Water Limitations and/or applicable WQS in San Francisco Bay.

⁷ The Basin Plan is published by the San Francisco Bay Regional Water Quality Control Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan.

⁸ Basin Plan, Table 3-3 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf.

Baykeeper alleges that Eco Box has discharged stormwater exceeding Receiving Water Limitations and/or WQS from the Facility to San Francisco Bay during at least every significant local rain event over 0.1 inches since it submitted its original NOI on September 25, 2013. *See* Attachment 3. Each discharge from the Facility that violates a Receiving Water Limitation or causes or contributes to an exceedance of an applicable WQS constitutes a separate violation of the Industrial Stormwater Permit and the CWA. Eco Box is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA since September 25, 2013.

C. Failure to Develop and Implement an Adequate Storm Water Pollution Prevention Plan

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan (“SWPPP”). 1997 Permit, Section A.1.a. and Order Part E.2.; 2015 Permit, Sections I.I. (Finding 54), X.B. The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. 1997 Permit, Order Part E.2.; 2015 Permit, Section X.B.

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, and specifications of BMPs designed to reduce pollutant discharge to BAT and BCT levels. 1997 Permit, Sections A.1-A.10.; 2015 Permit, Section X. Moreover, the Industrial Stormwater Permit requires dischargers to evaluate and revise SWPPPs to ensure they meet these minimum requirements, in particular that the necessary BMPs are in place and being implemented. *See* 1997 Permit, Section A.9. (requiring a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP implemented within 90 days after the evaluation); 2015 Permit, Section X.D.2.a. (obligating the discharger to “ensure its SWPPP is developed, implemented and revised as necessary to be consistent with any applicable municipal, state, and federal requirements that pertain to the requirements in [the 2015 Permit].”).

Based on information available to Baykeeper, Eco Box has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of the Industrial Stormwater Permit. For instance, Eco Box’s past or current SWPPP has not/does not include and Eco Box has not implemented adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with the Industrial Stormwater Permit, as evidenced by the data in Attachment 2.

Moreover, Eco Box’s latest SWPPP, revised in June 2015 (“2015 SWPPP”), does not meet the requirements of the 2015 Permit. The 2015 SWPPP includes only a cursory list of BMPs. 2015 SWPPP, p. 4. The BMPs are described in the most general terms, without stating which pollutant(s) the BMPs are designed to address, how the BMPs will be implemented, the locations where the BMPs shall be implemented, who at the Facility

will implement each BMP, and the procedures for implementing the BMPs, as required by the 2015 Permit. *See* 2015 Permit, Section X.H.1., note 12 (requiring “Dischargers to select, design, install and implement” BMPs that meet the minimum Good Housekeeping BMPs described) and Section X.H.4. (requiring that the SWPPP specifically describe the procedure for each BMP). Moreover, Eco Box has failed to include all the minimum BMPs required by the 2015 Permit and has not explained why it omitted certain minimum BMPs. 2015 Permit, Section X.H.1., 4.b.

In addition, the 2015 SWPPP fails to meet the following mandatory requirements:

- Describe the Pollution Prevention Team (2015 Permit, Section X.D.1.);
- Document the Facility’s scheduled operating hours (2015 Permit, Section X.D.2.d.);
- Include drainage areas, flow direction of drainage areas, location of storm water collection and conveyance systems, discharge locations, sample locations, locations where materials are directly exposed to precipitation, and a description of all industrial activity on the site map (2015 Permit, Section X.E.3.);
- List industrial materials (2015 Permit, Section X.F.);
- Properly describe industrial processes, material handling and storage areas, and dust and particulate general activities (2015 Permit, Section X.G.1.a-c.);
- Describe significant spills and leaks, non-stormwater discharges, and erodible surfaces (2015 Permit, Section X.G.1.d-f.);
- Properly assess potential pollutant sources (2015 Permit, Section X.G.2.);
- Include an employee training program (2015 Permit, Section X.H.1.e.);
- Include a BMP summary table (2015 Permit, Section X.H.5.); and
- Prepare a Monitoring Implementation Plan (2015 Permit, Section X.I.).

Accordingly, Eco Box has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of the Industrial Stormwater Permit, and Eco Box will continue to be in violation every day until it develops and implements an adequate SWPPP. Eco Box is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring since it filed its NOI on September 25, 2013.

D. Failure to File Annual Reports

The 1997 Permit required dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. 1997 Permit, Section B.14. Likewise, the 2015 Permit requires dischargers to submit an Annual Report by July 15th following each reporting year via the Storm Water Multiple Application and Report Tracking System (“SMARTS”) Database. 2015 Permit, Section XVI.A. The Annual Report must be signed and certified by an appropriate corporate officer, 1997 Permit, Sections B.14., C.9., and C.10., or a discharger’s Legally Responsible Person or

Duly Authorized Representative, 2015 Permit, Section II.A. The Industrial Stormwater Permit requires the discharger to include in their annual report an evaluation of their stormwater controls, including certifying compliance with the Permit. 1997 Permit, Section A.9.d.; 2015 Permit, Section XVI.B.

Eco Box failed to submit to the Regional Board and/or SMARTS annual reports for the 2013-2014 and 2014-2015 wet seasons. Consequently, Eco Box has violated the reporting requirements of the Industrial Stormwater Permit every time Eco Box failed to submit a report. Eco Box is subject to penalties for violations of the Industrial Stormwater Permit and the CWA since July 1, 2014.

E. Failure to Properly Sample and Report Stormwater Discharges

Eco Box is also in violation of the Industrial Stormwater Permit because it has been collecting stormwater samples that do not adequately reflect pollution coming from its industrial activities. Section B.7.a. of the 1997 Permit required Eco Box to “collect samples of stormwater discharges from all drainage areas that represent the quality and quantity of the facility’s storm water discharges.” Section B.5.c.i. of the 1997 Permit required facilities to sample TSS, pH, specific conductance, and either total organic carbon or oil and grease. Section B.5.c.iii. of the 1997 Permit and Section XI.B.6. of the 2015 Permit require facilities to sample for specific analytical parameters based on their SIC code. For facilities with SIC code 5093, these parameters are iron, lead, aluminum, zinc, and chemical oxygen demand (“COD”). Eco Box has failed to test its samples for iron, aluminum, and COD and thus has failed to comply with Sections B.5.c. and B.7.a. of the 1997 Permit or Section XI.B.6. of the 2015 Permit.

Furthermore, the Industrial Stormwater Permit requires a minimum number of sampling events per wet season, with limited exceptions. 1997 Permit, Section B.5.; 2015 Permit, Section XI.B.2. Yet Eco Box has failed to sample and analyze at least two stormwater discharges from the Facility during any wet season since submitting its NOI on September 25, 2013. Eco Box did not report taking any sample during the 2013-2014 wet season and reported taking only one sample during the 2014-2015 wet season.

As a result of Eco Box’s failure to properly sample stormwater discharges from its Facility, Eco Box has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day since September 25, 2013. These violations are ongoing. Eco Box will continue to be in violation of the sampling requirements each day that Eco Box fails to adequately develop and/or implement an effective sampling program at the Facility. Eco Box is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring since September 25, 2013.

F. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant

to section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342. Eco Box sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit “must be either eliminated or permitted by a separate NPDES permit.” 1997 Permit, Order Part A.1.; *see also* 2015 Permit, Sections I.A. (Finding 8) and I.C. (Finding 28).

Because Eco Box has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. PERSON RESPONSIBLE FOR THE VIOLATIONS

Eco Box Recycling, Inc. is the person responsible for the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

San Francisco Baykeeper
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Oakland, CA 94612
(510) 735-9700

VI. COUNSEL

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

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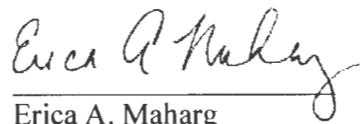
VII. REMEDIES

Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against Eco Box for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and

such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against Eco Box in this action. The CWA imposes civil penalty liability of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me or George Torgun to initiate these discussions.

Sincerely,



Erica A. Maharg
Staff Attorney
San Francisco Baykeeper

Cc:

Gina McCarthy, Administrator
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Attachment 1: EPA Benchmarks and Water Quality Standards for Discharges to Freshwater

A. EPA Benchmarks, 2000 and 2015 Multi-Sector General Permit ("MSGP")

Parameter	Units	Benchmark value	Source
pH	SU	6.0 – 9.0	2000 MSGP
Total Suspended Solids	mg/L	100	2000 MSGP
Chemical Oxygen Demand	mg/L	120	2000 MSGP
Oil and Grease	mg/L	15	2000 MSGP
Aluminum Total	mg/L	0.75	2015 MSGP
Iron Total	mg/L	1.0	2015 MSGP
Lead Total	mg/L	0.095	2015 MSGP*
Zinc Total	mg/L	0.13	2015 MSGP*
Copper Total	mg/L	.0156	2015 MSGP*

* Assuming a water hardness range of 100-125 mg/L

B. Water Quality Standards (Basin Plan, Table 3-3)

Parameter	Units	WQS value	Source
pH	SU	6.5 – 8.5	Basin Plan
Lead	mg/L	0.065	Basin Plan
Copper	mg/L	0.013	Basin Plan
Zinc	mg/L	0.12	Basin Plan

Attachment 2: Table of Exceedances for Eco Box Recycling, Inc.

Table containing each stormwater sampling result which exceeds EPA Benchmarks and/or causes or contributes to an exceedance of Basin Plan Water Quality Standards. The EPA Benchmarks and Basin Plan Water Quality Standards are listed in Attachment 1. All stormwater samples were reported by the Facility during the past five (5) years.

Reporting Period	Sample Date	Parameter	Result	Unit
2014-2015	10/2/2014	Total Suspended Solids	2100	mg/L
2014-2015	10/2/2014	Copper	0.28	mg/L
2014-2015	10/2/2014	Lead	1.4	mg/L
2014-2015	10/2/2014	Zinc	1.8	mg/L

**Attachment 3: Alleged Dates of Exceedances by
Eco Box Recycling, Inc.
September 25, 2013 to October 25, 2015**

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center; San Jose, CA station, GHCND:USW00023293, when a stormwater discharge from the Facility is likely to have occurred. <http://www.ncdc.noaa.gov/cdo-web/search>

2013	2014	2015
11/19	2/6	2/6
11/20	2/7	2/8
	2/26	3/11
	2/28	4/6
	3/1	4/7
	3/3	4/25
	3/29	5/14
	3/31	6/10
	4/1	
	4/25	
	9/25	
	10/25	
	10/31	
	11/12	
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